

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 9TH JANUARY 2007 / 19TH PAUSHA 1928

Crl.Rev.Pet.No. 125 of 2007()

CRA.780/2005 of II ADDL.SESIONS COURT, ERNAKULAM
CC.252/2001 of JUDL.MAGISTRATE OF FIRST CLASS-II, ERNAKULAM
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REVN. PETITIONER/APPELLANT/ACCUSED:

M.K. VIJAYAN NAIR, MALIKAYIL HOUSE
POOTHOTTA P.O. MANAKUNNAM VILLAGE
KANAYANNUR TALUK, ERNAKULAM.

BY ADV. SRI.P.K.BALAKRISHNAN NAIR

RESPONDENTS/RESPONDENTS/COMPLAINANT:

1. E.V. PRAKASHAN, AGED 40 YEARS,
ENAKATHARA HOUSE, POOTHOTTA
P.O. MANAKKUNNAM VILLAGE, KANAYANNUR
TALUK, ERNAKULAM.

2. STATE OF KERALA, REP. BY THE PUBLIC
PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

R1 BY ADV. SRI.A.B.XAVIER
R2 BY PUBLIC PROSECUTOR SR.C.M. KAMMAPPU

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR
ADMISSION ON 09/01/2007, THE COURT ON THE SAME DAY
PASSED THE FOLLOWING:

R. BASANT, J.

Crl.R.P.No. 125 of 2007

Dated this the 9th day of January, 2007

ORDER

This revision petition is directed against the concurrent verdict of guilty, conviction and sentence in a prosecution under Section 138 of the N.I. Act.

2. When this revision petition came up for hearing, it is submitted at the Bar by counsel for the rival contestants that the matter has been settled and the offence has been compounded by the complainant. A joint compromise petition duly signed by the rival contestants and counter signed by their respective counsel is also filed. The learned counsel for the respondent/complainant vouches that the signature appearing in the application for composition is that of the complainant.

3. The offence under Section 138 of the N.I. Act is now compoundable after the amendment to the N.I. Act. I am satisfied, from the submissions made at the Bar and the joint statement filed by them, that the parties have settled their dispute amicably. I find no reason not to accept the composition.

4. In the result:

(a) Crl.M.A.No. 412 of 2007 is allowed and the composition is accepted.

(b) The acceptance of the composition shall have the effect of acquittal of the accused of the offence punishable under Section 138 of the N.I. Act as stipulated under Section 320(8) Cr.P.C.

© Consequently, this revision petition is allowed. The impugned judgments are set aside. The bail bond executed by the accused shall stand discharged and he is set at liberty.

(R. BASANT)
Judge

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